HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

WP S/S No 157/2004

Sri Chandra Shekhar Mungali,

Vs

State of Uttaranchal

Secretary Agriculture

Uttaranchal

Approved for reporting.

_____

~~Not approved for reporting~~

Date of decision 27.2.06

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 157 (SS) OF 2004

Sri Chandra Shekhar Mungali, Aged 53 years, S/o Sri Hera Ballabh Mungali, at present working as Draughtsman in Agriculture & Soil Conservation Karyalay at Nainital, District Nainital. .....Petitioner.

Versus

1. State of Uttarnachal through the Secretary Agriculture Uttaranchal, Dehradun.
2. Additional Director Agriculture & Soil Conservation Uttaranchal Camp Karyalay- Nanda Ki Chauki, Prem Nagar, Dehradun.
3. Hem Chandra Gururani, S/o Sri Tara Dutt at present working as Draughtsman in Agriculture & Soil Conservation Karyalay at Haldwani, District Nainital.
4. Kalyan Singh, S/o Sri Keshar Singh at present working as Draughtsman in Agriculture & Soil Conservation Karyalay at Rudrapur, District Udham Singh Nagar.

.....Respondents.

Sri M.C. Pant, Advocate for the petitioner.
Learned Standing Counsel for the State

Dated : 27.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents 1 & 2 to correct the seniority list in the post of Draughtsman in Agriculture & Soil Conservation Karyalay and place the petitioner to his seniority.

2. Brief facts giving rise to the present writ petition are that the petitioner was appointed as Tracer (Anurekhak) in the office of Soil Conservation, Almora w.e.f 27.12.1972.

3. The respondent no. 4 was also appointed as Tracer (Anurekhak) in the office of Soil Conservation, Almora w.e.f 12.01.1973.

4. In the year, 2001 respondents nos. 1 and 2 wrote a letter to Head of the Agriculture Department, Uttaranchal regarding

finalizing the seniority list with the direction that if any one have any grievances with regard to seniority, he may file objection within a month.

5. The petitioner preferred his objection on 29.10.2001 before the respondent no. 2.

7. Several representations in this regard filed by the petitioner have already been ignored by the respondents.

8. Respondent no. 2 completely ignored the representation of the petitioner and finalized the seniority list on 06.02.2002, where the petitioner has been shown at Serial No. 9 instead of Serial No. 7.

9. Respondent no. 2 again passed an order regarding the seniority list on 05.08.2002 in which the petitioner was shown at Serial No. 8 instead of Serial No. 6.

10. However, liberty is given to the petitioner to file a fresh representation stating his grievances within ten days from the date of presentation of the certified copy of the order before the respondents.

11. The respondent no. 2 is directed to consider the representation of the petitioner within a period of three weeks However, seniority list prepared on 5th August, 2002 shall be subject to the final order passed in pursuance of the fresh representation filed by the petitioner.

12. Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

27.02.2006
Rathour